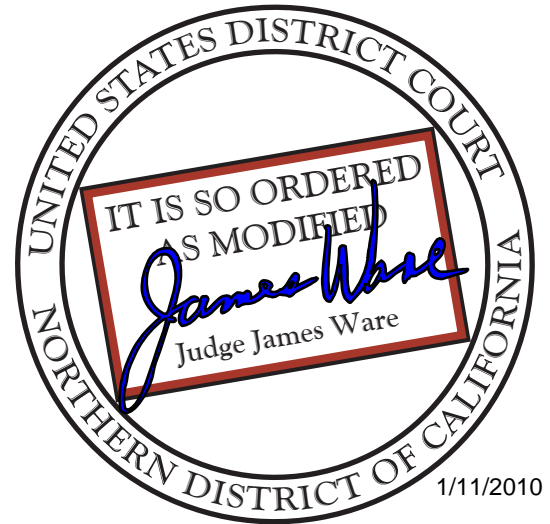


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9



10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**

13  
14 SECURITIES AND EXCHANGE COMMISSION,  
15 Plaintiff,  
16 vs.  
17 KENNETH L. SCHROEDER,  
18 Defendant.  
19  
20

Case No. C-07-3798 JW

21  
22  
23 **STIPULATION AND [PROPOSED]**  
**AMENDED SCHEDULING ORDER**

24  
25 Plaintiff Securities and Exchange Commission and Defendant Kenneth L. Schroeder hereby  
26 stipulate to, and propose that the Court adopt, an amended scheduling order, as follows:

27 **STIPULATION**

28 WHEREAS the Court entered a scheduling order for this case on May 11, 2009 [Docket No. 140];

WHEREAS the Court entered an amended scheduling order for this case on June 19, 2009;

1 WHEREAS the parties have commenced tentative settlement discussions to see if this case  
2 can be resolved before trial;

3 WHEREAS the parties believe the assistance of a mediator may be helpful in determining  
4 whether this case can be resolved before trial, and whereas the parties have agreed on Judge Fern M.  
5 Smith (retired) as the mediator;

6 WHEREAS the parties have been diligent in pursuing discovery and believe that discovery  
7 should continue to proceed; and

8 WHEREAS the parties believe that additional time is necessary to complete discovery and  
9 also to engage in meaningful discussions with the assistance of Judge Smith; and

10 WHEREAS the parties believe that an extension of three months to the current deadlines as  
11 set forth in the Court's amended discovery order would allow them to complete discovery and have a  
12 meaningful mediation;

13 IT IS HEREBY STIPULATED by the parties and the parties ask the Court to adopt as its  
14 scheduling order, the following:

- 15 • Close of All Discovery – June 7, 2010
- 16 • Last Date for Filing Dispositive Motions – July 5, 2010
- 17 • Last Date for Hearing Dispositive Motions – **September 20, 2010 at 9:00 AM**
- 18 • Preliminary Pretrial Conference at 11:00 a.m. – ~~June 7, 2010~~
- 19 • Preliminary Pretrial Conference Statements – **May 28, 2010**
- 20 • Expert Witness Disclosure – April 5, 2010
- 21 • Rebuttal Expert Witness Disclosure – April 19, 2010
- 22 • Last Day for Hearing Objections to Experts - May 31, 2010

23  
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26 ///

27 ///

28 ///

1 DATED: December 21, 2009

Respectfully Submitted,

2  
3  
4 /s/ Mark P. Fickes

Mark P. Fickes

Attorney for Plaintiff

SECURITIES AND EXCHANGE COMMISSION

6  
7 /s/ Shirli Weiss

Shirli Weiss

Attorney for Defendant

KENNETH L. SCHROEDER

9  
10 *Filer's Attestation: Pursuant to General Order No. 45,*  
11 *Section X(B) regarding signatures, Mark P. Fickes hereby*  
12 *attests that concurrence in the filing of this document on*  
13 *behalf of DLA Piper has been obtained from Shirli Weiss,*  
14 *Esq.*

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.**

16  
17 Dated: January 11, 2010

18   
James Ware  
UNITED STATES DISTRICT JUDGE